

MERCHANT & GOULD P.C.

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: TISSUE-ENGINEERED BIOGRAFTS FOR REPAIR OF DAMAGED MYOCARDIUM

The specification of which

- a. ☒ is attached hereto
b. ☒ was filed on September 1, 2000 as application serial no. _____ and was amended on _____ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. _____ filed _____ and as amended on _____ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith:

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Reg. No. 40,481
 Reg. No. 46,359
 Reg. No. 28,828
 Reg. No. 32,960
 Reg. No. 27,612
 Reg. No. 43,496
 Reg. No. 41,622
 Reg. No. 41,633
 Reg. No. 40,528
 Reg. No. 34,130
 Reg. No. 32,404
 Reg. No. P-46,597
 Reg. No. 25,959
 Reg. No. 33,227
 Reg. No. 39,634
 Reg. No. 30,247
 Reg. No. 25,968
 Reg. No. 34,994
 Reg. No. 40,579
 Reg. No. 36,414
 Reg. No. 42,157
 Reg. No. 28,707
 Reg. No. 20,187
 Reg. No. 39,667
 Reg. No. 40,620
 Reg. No. 44,125
 Reg. No. 26,896
 Reg. No. 38,472
 Reg. No. 18,223
 Reg. No. 41,804
 Reg. No. 33,112
 Reg. No. P-46,754
 Reg. No. 29,165
 Reg. No. P-46,759
 Reg. No. 42,660
 Reg. No. 31,838
 Reg. No. 42,668
 Reg. No. 39,721
 Reg. No. 34,196
 Reg. No. 34,049
 Reg. No. 37,160
 Reg. No. 33,924
 Reg. No. 42,724
 Reg. No. 21,197
 Reg. No. 31,535
 Reg. No. 36,848

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Reg. No. 38,946
 Reg. No. 40,443
 Reg. No. P-46,869
 Reg. No. 40,066
 Reg. No. 40,701
 Reg. No. 38,540
 Reg. No. 46,084
 Reg. No. 32,044
 Reg. No. 44,921
 Reg. No. 30,300
 Reg. No. 40,123
 Reg. No. P-46,990
 Reg. No. 37,206
 Reg. No. 37,209
 Reg. No. 46,068
 Reg. No. 41,512
 Reg. No. 25,148
 Reg. No. 37,703
 Reg. No. 25,767
 Reg. No. 39,828
 Reg. No. 31,197
 Reg. No. 30,422
 Reg. No. 42,137
 Reg. No. 33,280
 Reg. No. 40,178
 Reg. No. 45,124
 Reg. No. 43,164
 Reg. No. 29,114
 Reg. No. 45,147
 Reg. No. 32,314
 Reg. No. 38,344
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 Reg. No. 27,403
 Reg. No. 32,179
 Reg. No. 33,044
 Reg. No. 43,245
 Reg. No. 20,890
 Reg. No. 43,261
 Reg. No. 42,222
 Reg. No. 41,376
 Reg. No. 27,054
 Reg. No. 41,980
 Reg. No. 43,361
 Reg. No. 39,536
 Reg. No. 45,255

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould P.C. to the contrary.

Please direct all correspondence in this case to Merchant & Gould P.C. at the address indicated below:

Merchant & Gould P.C.
 P.O. Box 2903
 Minneapolis, MN 55402-0903



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name COHEN	First Given Name Smadar	Second Given Name
0	Residence & Citizenship	City Beer Sheva	State or Foreign Country ISRAEL	Country of Citizenship ISRAEL
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Signature of Inventor 202: <i>Ayelet Dar</i>			Date: <i>17/11/2000</i>	
2	Full Name Of Inventor	Family Name ETZION	First Given Name Sharon	Second Given Name
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3	Post Office Address	Post Office Address 80 Winget Street, 84428	City Beer Sheva	State & Zip Code/Country 84428/ISRAEL
Signature of Inventor 203:			Date:	
2	Full Name Of Inventor	Family Name PERETS	First Given Name Anat	Second Given Name
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Signature of Inventor 204: <i>Anat Perets</i>			Date: <i>13/11/2000</i>	
2	Full Name Of Inventor	Family Name SHAPRUT	First Given Name Sigalit	Second Given Name
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Signature of Inventor 205: <i>Sigalit Shaprut</i>			Date: <i>14/11/2000</i>	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.


2	Full Name Of Inventor	Family Name COHEN	First Given Name Smadar	Second Given Name
0	Residence & Citizenship	City Beer Sheva	State or Foreign Country ISRAEL	Country of Citizenship ISRAEL
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Signature of Inventor 202:			Date:	

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2	Full Name Of Inventor	Family Name SHAPRUT	First Given Name Sigalit	Second Given Name
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5	Post Office Address	Post Office Address 11/6 Prof. Haim Gevariahu Street, Ramot, 84100	City Beer Sheva	State & Zip Code/Country 84100/ISRAEL
Signature of Inventor 205:			Date:	

2	Full Name Of Inventor	Family Name LEOR	First Given Name Jonathan	Second Given Name
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Signature of Inventor 206:			Date:	
			6/11/00	



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NONPROFIT ORGANIZATION

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(e) AND 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION: Ben-Gurion University of the Negev
ADDRESS OF ORGANIZATION: One Hashalom Street
84419 Beer Sheva
ISRAEL

TYPE OF ORGANIZATION:

CHECK ONEa) ☐ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION

b) ☐ TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3))

c) ☐ NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA -- (NAME OF STATE _____)

(CITATION OF STATUTE _____)

d) ☐ WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE (26 U.S.C. 501(a) AND 501(c)(3)) IF LOCATED IN THE UNITED STATES OF AMERICA

e) ☐ WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA -- (NAME OF STATE _____)

(CITATION OF STATUTE _____)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. 1.9(e) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in regard to the invention, entitled TISSUE-ENGINEERED BIOGRAFTS FOR REPAIR OF DAMAGED MYOCARDIUM by inventor(s) COHEN, Smadar; DAR, Ayelet; ETZION, Sharon; PERETS, Anat; SHAPRUT, Sigalit; LEOR, Jonathan described in

a) ☐ the specification filed herewith.

b) ☐ provisional application serial no. _____, filed _____.

c) ☒ non-provisional application serial no. _____, filed September 1, 2000.

d) ☐ patent no. _____, issued _____.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 C.F.R. 1.9(c) or by any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)INSERT CO-OWNERS, IF ANY

NAME

ADDRESS

a) ☐ INDIVIDUAL

b) ☐ SMALL BUSINESS CONCERN

c) ☐ NONPROFIT ORGANIZATION

NAME

ADDRESS

a) ☐ INDIVIDUAL

b) ☐ SMALL BUSINESS CONCERN

c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

NAME: Janis Rosenwaks
TITLE: VP and Dean for R&D
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SIGNATURE: S. Rosenwaks
DATE: 8.11.2000

